

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

## SHERMAN DIVISION

FILED  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

JUN 10 2005

DAVID J. MALAND, CLERK  
BY DEPUTY

Criminal No. 4:05CR 131

Judge Scheel

## INDICTMENT

**COUNT I**

Violation: Reentry of Deported Alien  
(Title 8 U.S.C. § 1326)

On or about April 19, 2005, in the Eastern District of Texas, the Defendant, Rafael Antonio Fernandez-Garcia, an alien who had previously been excluded, deported and removed, knowingly and unlawfully was found in the United States in Collin County, Texas, the said Defendant having not obtained the consent for reapplication for admission into the United States from the Attorney General of the United States or Secretary of Homeland Security, the successor, pursuant to Title 6, United States Code, Sections 202(3), 202(4) and 557.

All in violation of Title 8, United States Code, Section 1326.

A True Bill,

  
\_\_\_\_\_  
FOREMAN OF THE GRAND JURY

MATTHEW ORWIG  
UNITED STATES ATTORNEY

  
\_\_\_\_\_  
JOHN L. RATCLIFFE  
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

UNITED STATES OF AMERICA

§  
§  
§  
§  
§

-vs-

Criminal No. 4:05CR\_\_\_\_\_

Judge

RAFAEL ANTONIO FERNANDEZ-  
GARCIA

§  
§

**NOTICE OF PENALTY**

**COUNT I**

Violation: Title 8, United States Code, Section 1326

Penalty: Not more than two years imprisonment, a fine not to exceed \$250,000, or both; supervised release of not more than one year;

If removal was subsequent to a conviction for commission of a felony other than an aggravated felony - not more than 10 years of imprisonment, a fine not to exceed \$250,000, or both; supervised release of not more than 3 years;

If removal was subsequent to a conviction for a commission of an aggravated felony - not more than 20 years imprisonment, a fine not to exceed \$250,000, or both; supervised release of not more than 3 years.

Special  
Assessment: \$100.00